



**MINUTES OF SPECIAL JOINT MEETING OF
THE CITY COUNCIL/REDEVELOPMENT
AGENCY OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, October 10, 2000, 8:00 p.m.**

MEETING

The Special Joint Meeting of the City Council/Redevelopment Agency was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Ward.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PROCLAMATIONS: October 2000 as Domestic Violence Awareness Month

Mayor Cooper presented the proclamation designating October as Domestic Violence Awareness Month. She encouraged awareness of the seriousness of the crime and support off shelters providing service to the victims of this crime. This proclamation was presented to SAVE Director Rodney Clark, who asked that Police Chief Calhoun also accept the proclamation as they collaborated to make this project a success. Police Chief Calhoun also thanked the Council for its support.

October 8 - 14 as Fire Prevention Week

Mayor Cooper presented the proclamation to Fire Chief Larry Arfsten. She stated that fire prevention is important to both the fire department and the public. The Mayor emphasized that the theme, "Fire Drill: The Great Escape!" stresses the importance of having a home escape plan. A demonstration, videos, Sparkie, the fire dog, will be held on Saturday, from noon to 4 p.m. at the Southland Mall, near the Raiders Image Store. Fire Chief Arfsten thanked Thomas Delaney, Merchandising Director, Oakland Raiders; Stephanie Krywe, Marketing Director, and Rob Canepa, General Manager, Southland Mall, for their cooperation in this endeavor.

PRESENTATION: Business Recognition Award

Mayor Cooper presented the Business Recognition Award to Janet Minami of Minami Flowers for all of her support and work in the City for the past 28 years. Mrs. Minami and her husband, Toby Mitobe, have served in other capacities in this community. Janet Minami thanked the Council for this honor.

PUBLIC COMMENTS

Mrs. Patricia Gowin, 539 Sarah Place, spoke about John Gowin who was previously honored as the outstanding firefighter for the year award. She noted that the recognition uplifted her family.

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In commenting on the value of recognition, she said she wanted to publicly distinguish her mail delivery person, Paul Cabrera and his family, his wife Marlene, their two children and his mom and dad, and entire Cabrera family. As her postman for more than 11 years, he is always friendly and thoughtful. He delivers to over 300-400 homes. **She thought** he **deserved** public recognition and presented him with a gift. Mr. Cabrera thanked her for the gift and recognition.

Jason Moreno, 25200 Carlos Bee Boulevard, displayed a list of alternative candidates for President. He suggested people consider voting for someone other than those candidates of the major parties.

Francisco Abrantes, 22815 Alice Street, made comments about a French philosopher.

CONSENT

1. Approval of Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of September 26, 2000

It was moved by Council/RA Member Hilson, seconded by Council/RA Member Ward, and unanimously carried to approve the Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of September 26, 2000.

2. Appointments to Bay Area Library and Information Systems (BALIS) Advisory Board

Staff report submitted by Library Director Baker-Madsen, dated October 10, 2000, was filed.

It was moved by Council Member Hilson, seconded by Council Member Ward, and unanimously carried to adopt the following:

Resolution 00-15 1, "Resolution Appointing Friends Board Member Evelyn Gertler and Library Commissioner William Burnside to the Bay Area Library and Information System (BALIS) Advisory Board"

3. Update on the Domestic Violence Prevention and Intervention Program

Staff report submitted by Investigations Division Commander Silva, dated October 10, 2000, was filed.

It was moved by Council Member Hilson, seconded by Council Member Ward, and unanimously carried to accept the report.

HEARINGS

4. Appeal of Planning Commission's Action of Revocation of Use Permit No. 20313 - Al M.

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Casatico (Owner), Joseph Huber (Business Owner-Hayward Auto Wholesale) - The Site is Located at 22301 Mission Boulevard, in a Central City Commercial (CC-C) Subdistrict
(Continued from 9/26/00)

Staff report submitted by Associate Planner Camire, dated October 10, 2000, was filed.

Planning Manager Anderly made the staff report, stating that various conditions off approval were not met including repeated violations allowing only servicing of vehicles, not repairs, repeated violations limiting repairs to within the structure as well as other violations to the Hayward Municipal Code. She cited certain sales occurring and the repair of vehicles on the street. Staff's recommendation is that the scope of this business far exceeds the area of the land.

Council Member Hilson asked staff several questions regarding some of the conditions. It was noted that the Planning Commission had previously acted on these violations of conditions and allowed six months for the business to comply. The owner stored vehicles on other parcels around the area and on City streets without permits. Staff took action to comply with City regulations. Staff had noted that although no signs indicated the sale of automobiles, actual selling did occur. It was also mentioned that there was more than minor servicing on the premises.

Council Member Henson asked for clarification on whether retail or wholesale sales were allowed under this use permit. It was clarified that the permit does allow minor services for autos for sale, but no heavy repair. Council Member Henson said that it appeared that the business owner may have extended his business throughout the years for a variety of reasons.

In response to Council Member Henson's request, Community Preservation Officer Bienemann cited a number of outstanding issues, such as repair occurring on a public street, auto parts being stored on the lot and in the back of pick-up trucks on the lot and individuals sleeping on the property allegedly with the owner's consent. She observed the same outstanding issues on a number of occasions. She noted that the business obviously continues although it is too tightly packed on that lot to be very effective as a sales lot.

In response to Council Member Ward's question, Planning Manager Anderly acknowledged that last week, the owner had given the applicant a 30-day eviction notice. She commented that the use permit goes with the property and not with the business operator.

Council Member Ward commented that the owner seemed to be trying to comply with the conditions of the use permit, indicating that the problems at the site might be more the responsibility of the tenant. He asked whether the owner had adhered to the conditions.

City Attorney O'Toole mentioned that the notice of termination of tenancy happened last

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Thursday. He added that there is no assurance that the notice will be acted upon. He said there are no guarantees that both parties would not change their minds should Council not take action at this meeting. The use permit runs with the land and the owner is obligated to correct violations as cited by staff.

Planning Manager Anderly indicated that St. Vincent de Paul had allowed storage and use of parking on its property, but later rescinded this permission when staff informed them that a permit was not issued. St. Vincent de Paul commenced an attempt to stop the usage but had a problem with the applicant moving the vehicles. She noted that the owner had more than two years to correct all of the use permit violations and problems.

City Attorney O'Toole stated that since the use permit runs with the land it is the owner's responsibility to assure that all of the conditions are met. If he does not do that, he faces a revocation hearing.

In response to Council Member Jimenez's questions, Sergeant Jim Lambert of the Hayward Police Department, said that the applicant and the Police Department had been playing a cat and mouse game with the cars in the vicinity. He commented that towed vehicles in the area were registered to Auto Wholesaler. In discussions with the applicant, Sergeant Lambert stated that Mr. Huber asked for a break to store vehicles on City streets. Mr. Huber also indicated that he has outgrown his lot. Sergeant Lambert told him that he would be breaking the law and exceptions could not be made.

Planning Manager Anderly noted that parking cars for sale on public streets is a violation of the Municipal Code, which, in turn, is a technical violation of the use permit.

Mayor Cooper opened the public hearing at 9:00 p.m.

Lewis Vohland, 6838 Saroni Drive, Oakland, attorney for Mr. Al Casatiko, stated that he accompanied the owner to the lot in order to help clean it up in accordance with the demands of the Planning Commission. The owner argued that the work done on the premises was light repair, not heavy auto repair. He explained that the thirty-day notice was issued to the tenant with extreme reluctance. He said he was aware of many of the cars being parked along City streets but did not think it was unusual.

Joseph Huber, 22301 Mission Boulevard, stated that his attorney was not able to attend this meeting. He indicated that the lot has been good for him. The repairs that he makes are minor in preparation for sale such as the smog inspection. He said he cannot repossess those cars that he should because he has no space. He could buy more cars if he had more time. He indicated that he alone practically runs his business in its entirety and has had some health problems during the past year. He said the work is getting done. He described the circumstances surrounding various cars towed from his lot.

Jason Moreno, 25200 Carlos Bee Boulevard, commented on this appeal process. He compared the difference between the treatment of the Art Bridges Trust and this applicant.



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He was told his suggestion was out of line.

Mayor Cooper closed the public hearing at 9: 11 p.m.

Council Member Henson suggested that the 20-month period should have been sufficient to solve the problems. He indicated that a business has to be an asset to a community, not a detriment. He moved for denial of the appeal and upholding the Planning Commission decision Council Member Hilson seconded the motion with prejudice.

In response to questions, City Attorney O'Toole clarified that the lot could be used for other purposes and/or the applicant could re-apply or ask for reinstatement within a year if they could show that there are changed circumstances.

Council Member Dowling indicated that a great deal of staff time has gone into this action. It was not done lightly. He indicated that problems with the business have been voiced since the time of the North Hayward Task Force and he was not convinced that they would change their business practices.

Mayor Cooper expressed concern that the property owner did not step forward until the Planning Commission decided to revoke the use permit. Fulfilling the use permit requirements as well as maintaining the property are part of doing business in Hayward. She said Mr. Huber might be accurate that the business has outgrown him. She expressed concern that there be no retribution directed against Mrs. Perry or her mother. She said they have a right and a responsibility to maintain their neighborhood. She congratulated both of them for their actions in the face of such acrimony.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried by all present, to approve the following:

Resolution 00-152, "Resolution Denying Appeal of Planning Commission's Decision to Revoke Use Permit No. 203 13 - Al Casatico (Owner), Joseph Huber (Business Owner- Hayward Auto Wholesale)"

COUNCIL REPORTS

There were no Council Reports

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ADJOURNMENT

Mayor Cooper adjourned at 9: 18 p.m., in memory of Virginia Mackensie, who was on the Board of Hayward's Literacy Council. She was a remarkable woman, accomplished in photography, and a key figure in expanding the arts program for the Wayward community.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency

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